

No.

FILED

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FILED
AUG 15 2012
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THE UNITED STATES OF AMERICA

VS.

AMIT GANDOTRA

CR12 00614 RMW

SEALED BY ORDER OF THE COURT

SEALED BY ORDER OF THE COURT

INDICTMENT

HRL

Count One: 18 U.S.C. §1030(a)(5)(A) - Intentional Damage to a Protected Computer

Count Two: 18 U.S.C. § 1030(a)(7)(A) - Threatening to Damage a Protected Computer

A true bill.

[Signature]

Foreperson

Filed in open court this 15 **day of** August

A.D. 2012

[Signature]

UNITED STATES MAGISTRATE JUDGE

No Bail Arrest Warrant

Bail. \$ _____

| | |
|--|----------------|
| DOCUMENT NO. | CSA'S INITIALS |
| 1 | |
| DISTRICT COURT CRIMINAL CASE PROCESSING | |

MELINDA HAAG (CABN 132612)
United States Attorney

FILED

AUG 15 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SEALED BY ORDER OF THE COURT

UNITED STATES OF AMERICA,
Plaintiff,
v.
AMIT GANDOTRA,
Defendant.

CR 12 00614 RMW

VIOLATIONS: 18 U.S.C. §1030(a)(5)(A)-
Intentional Damage to a Protected Computer
and 18 U.S.C. § 1030(a)(7)(A)- Threatening
to Damage a Protected Computer

SAN JOSE VENUE

HRL

INDICTMENT

The Grand Jury charges:

Introductory Allegations:

At all times relevant to this Indictment:

1. Facebook, Inc., ("Facebook") was a privately owned company with headquarters and computer servers in Palo Alto, California, that owned and operated a social networking website (www.facebook.com) over the Internet. Facebook and its computers were engaged in business in and affecting interstate and foreign commerce and communication.

2. A computer "exploit" consisted of data, software, or commands that took advantage of a computer security vulnerability to cause unintended or unanticipated behavior to occur on computer systems.

(Signature)

3. Cross-Site Scripting ("XSS") was a type of computer exploit that was used by attackers to bypass access controls for web sites. An XSS exploit could also allow an individual to insert outside script into a website and change the website's contents without authorization.

4. A Join exploit allowed its user to join any group on Facebook. Generally, Facebook groups were created by people with similar interests or connections, and the people within a specific group can sometimes see information on a group member's profile unavailable to the general public. The Join exploit enabled an attacker to join groups on Facebook and access information without authorization.

Intentional Damage of Computers

5. In late December 2009, the Facebook account of AL was accessed by an attacker without authorization. Personal information, communications, videos, and pictures were permanently deleted from the account.

Attempted Extortion of Facebook

6. In late December 2009, an individual with the screen name "Amit" contacted a Facebook executive and claimed to have information about an XSS script that could damage Facebook. The individual refused to provide information about the exploit, or another computer exploit he claimed to possess called the Join exploit, to the Facebook executive or other Facebook employees, unless he received an offer of employment with the company. The XSS exploit, the Join exploit, and other potentially harmful scripts had been tested on Facebook web pages by the user of the "Amit" screen name before "Amit" contacted the Facebook executive.

COUNT ONE: (18 U.S.C. § 1030(a)(5)(A) – Intentional Damage to a Protected Computer)

7. The factual allegations contained in Paragraphs 1 through 6 are realleged and incorporated herein by reference as if set forth in full.

8. On or about December 19, 2009, and continuing to on or about December 22, 2009, in the Northern District of California and elsewhere, the defendant,

AMIT GANDOTRA,

knowingly caused the transmission of a program, information, code, and command, and, as a result of such conduct, intentionally caused damage without authorization to protected computers of Facebook, and caused loss to 1 or more persons during a 1-year period affecting protected computers aggregating at least \$5,000 in value.

All in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(A)(i)(I), and (c)(4)(B)(i).

COUNT TWO: (18 U.S.C. §§ 1030(a)(7)(A) – Threatening to Damage a Protected Computer)

7. The factual allegations contained in Paragraphs 1 through 6 are realleged and incorporated herein by reference as if set forth in full.

8. On or about December 20, 2009, in the Northern District of California and elsewhere, the defendant,

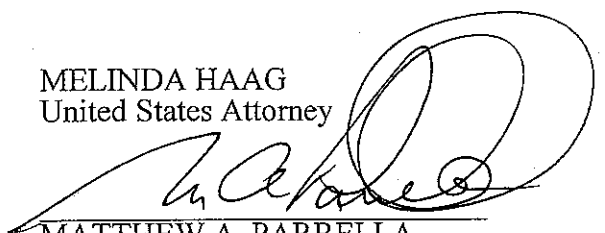
AMIT GANDOTRA,

with intent to extort from persons money and other things of value, transmitted in interstate and foreign commerce a communication containing a threat to cause damage to a protected computer.

All in violation of Title 18, United States Code, Sections 1030(a)(7)(A) and (c)(3)(A).

DATED:

MELINDA HAAG
United States Attorney


MATTHEW A. PARRELLA
Chief, CHIP Unit

(Approved as to form: )
AUSA PARRELLA

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION-- IN U.S. DISTRICT COURT

 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING

OFFENSE CHARGED

 Ct. 1: 18 U.S.C. § 1030(a)(5)(A) - Intentional Damage to a Protected Computer
 Ct. 2: 18 U.S.C. § 1030(a)(7)(A) - Threatening to Damage a Protected Computer

☐ Petty
☒ Minor
☐ Misdemeanor
☒ Felony

 PENALTY: Ct. 1: 10 years imprisonment, \$250,000 fine, \$100 special assessment, 3 years supervised release.
 Ct. 2: 5 years imprisonment, \$250,000 fine, \$100 special assessment, 3 years supervised release.

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

UNITED STATES SECRET SERVICE

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

 Name and Office of Person
 Furnishing Information on this form MELINDA HAAG
☒ U.S. Attorney ☐ Other U.S. Agency

 Name of Assistant U.S.
 Attorney (if assigned) MATTHEW A. PARRELLA

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

AMIT GANDOTRA

DISTRICT COURT NUMBER

CR 12-00614 RMW+RL

DEFENDANT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

 1) ☐ If not detained give date any prior summons was served on above charges

 2) ☐ Is a Fugitive

 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

 4) ☐ On this charge

 5) ☐ On another conviction

☐ Federal ☐ State

 6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... If Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments: